

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

RONALD P. CLAUHS AND JOSEPH M. DIMITRI	*	CIVIL ACTION NO.:
	*	
	*	
VERSUS	*	DISTRICT JUDGE:
	*	
SCOTT J. LIRIANO AND LIRIANO MOTORS, LLC	*	MAGISTRATE JUDGE:
	*	
	*	

COMPLAINT

NOW INTO COURT, through undersigned counsel, come Ronald P. Clauhs and Joseph M. Dimitri who, with respect, hereby plead as follows:

PARTIES AND CITIZENSHIP

1.

Made Plaintiffs herein are:

- a. Ronald P. Clauhs (hereinafter “Mr. Clauhs), a person over the age of eighteen (18) and a citizen of the State of Louisiana; and
- b. Joseph M. Dimitri (hereinafter “Mr. Dimitri”), a person over the age of eighteen (18) and a citizen of the State of Louisiana.

2.

Made defendants herein are:

- a. Scott J. Liriano (hereinafter “Mr. Liriano), a person over the age of eighteen (18) and a citizen of the State of Texas; and

b. Liriano Motors, LLC (hereinafter “Liriano Motors”), a Texas limited liability company with its principal place of business in the State of Texas. It is further alleged that Liriano Motors has two (2) members who are as follows: (1) Carlos Liriano, a person over the age of eighteen (18) and a citizen of the State of Texas; and (2) Lurie V. Liriano, a person over the age of eighteen (18) and a citizen of the State of Texas.

JURISDICTION AND VENUE

1.

This Court has jurisdiction pursuant to 28 USC § 1332 because:

- a. The Plaintiffs are citizens of the State of Louisiana;
- b. The Defendants are citizens of the State of Texas;
- c. Mr. Clauhs’ damages exceed \$75,000, exclusive of interest and costs; and
- d. Mr. Dimitri’s damages exceed \$75,000, exclusive of interest and costs.

2.

Venue is proper pursuant to 28 USC § 1391 because a substantial part of the events and omissions giving rise to Plaintiffs’ claims arose in this Judicial District, namely in St. Martin Parish.

ALLEGATIONS

3.

On or about December 23, 2015, Mr. Clauhs was a restrained and permissive driver legally operating a vehicle owned by Mr. Dimitri on eastbound Interstate 10 in St. Martin Parish, Louisiana.

4.

Mr. Dimitri was a restrained passenger in his vehicle.

5.

Mr. Claus observed significant traffic congestion ahead and stopped Mr. Dimitri's vehicle, because they were in a traffic jam.

6.

Two other cars noticed the traffic jam as well and stopped their vehicles behind Mr. Dimitri's vehicle.

7.

At this time, a vehicle operated by Mr. Liriano and owned by Liriano Motors slammed into the back of the last stopped vehicle, thereby triggering a chain reaction that caused the vehicle owned by Mr. Dimitri and operated by Mr. Clauhs to be rear-ended by the previously stopped vehicle behind them.

8.

The Louisiana State Police investigated the accident and issued Mr. Liriano a citation for careless operation.

9.

On information and belief, at the time of the accident, Mr. Liriano was engaged in the course and scope of his employment with Liriano Motors and Mr. Liriano was performing a mission for Liriano Motors for the benefit of Liriano Motors.

10.

On information and belief, Liriano Motors knew or should have known that Mr. Liriano was an unskilled, careless, and/or dangerous driver and, thus, Liriano Motors should not have entrusted its vehicle to Mr. Liriano.

11.

Mr. Liriano's and/or Liriano Motors' negligence was the cause of Plaintiffs' damages.

CAUSE OF ACTION AGAINST MR. LIRIANO

12.

Paragraphs 1-11 are hereby incorporated by reference.

13.

Mr. Liriano is liable unto Plaintiffs pursuant to Louisiana Civil Code Articles 2315 and 2316.

14.

Mr. Liriano was negligent in the following respects:

- a. failing to see what should have been seen;
- b. failing to do what should have been done;
- c. operating the vehicle entrusted to him in a careless and dangerous manner;
- d. failing to brake;
- e. failing to maintain control of the vehicle entrusted to him; and/or
- f. all other negligent acts and/or omissions proved at trial.

COUNT ONE AGAINST LIRIANO MOTORS – VICARIOUS LIABILITY

15.

Paragraphs 1-14 are hereby incorporated by reference.

16.

Liriano Motors is responsible for the negligence of its employee, Mr. Liriano.

17.

Liriano Motors is liable unto Plaintiff pursuant to Louisiana Civil Code Articles 2315, 2316, 2317, and 2320.

COUNT TWO AGAINST LIRIANO MOTORS – NEGLIGENT ENTRUSTMENT

18.

Paragraphs 1-17 are hereby incorporated by reference.

19.

Liriano Motors negligently entrusted its vehicle to Mr. Liriano.

20.

Liriano Motors is liable unto Plaintiff pursuant to Louisiana Civil Code Articles 2315, 2316 and 2317.

DAMAGES

21.

Paragraphs 1-20 are hereby incorporated by reference.

22.

As a direct result of Mr. Liriano's and/or Liriano Motors' negligence, Mr. Clauhs sustained the following damages:

- a. past and future lost wages and lost earning capacity;
- b. past and future physical pain and suffering;
- c. past and future mental pain and suffering;
- d. past and future medical expenses; and
- e. all other damages to be proved at trial.

23.

As a direct result of Mr. Liriano's and/or Liriano Motors' negligence, Mr. Dimitri sustained the following damages:

- a. past and future physical pain and suffering;
- b. past and future mental pain and suffering;
- c. past and future medical expenses;
- d. property damage; and
- d. all other damages to be proved at trial.

PRAYER FOR RELIEF

WHEREFORE, after due proceedings are conducted, Plaintiffs pray this Honorable Court enter judgment in their favor for all relief set forth above, judicial interest from date of demand, all costs of these proceedings, and all other relief that this Court deems just and fair.

Respectfully submitted:

/s/ Jonathan H. Adams

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Joseph M. Dimitri*

PLEASE ISSUE CITATION AND SUMMONS TO:

1. **Via Louisiana Long Arm Statute**

Scott J. Liriano
1208 Church Street
Bastrop, Texas 78602

2. **Via Louisiana Long Arm Statute**

Liriano Motors, LLC
Through its registered agent for service of process
Susan G. White
4161 East Highway 290, Suite 400
Dripping Springs, Texas 78620